THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 20415 of 2000

ORAL ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed seeking to quash the orders passed by the learned A.P. Administrative Tribunal, Hyderabad in E.A.No. 10 of 2000 in R.P.No. 1005 of 1986, dated 10.8.2000.

Brief facts of the case are that:

Respondent in the Writ Petition has filed E.A.No.10 of 2000 in R.P.No.1005 of 1986 before the learned A.P. Administrative Tribunal, Hyderabad against the petitioners herein, who are respondents before the learned tribunal. For the purpose of convenience, the parties as arrayed before the learned tribunal are referred to hereinafter. Before the learned tribunal, the applicant has filed E.A.No.10 of 2000 seeking directions to the respondents to implement the judgment in R.P.No.1005 of 1986, dated 22.9.1987 read with the order of the Supreme Court in SL.P.No.7772 of 1988, dated 5.4.1995 by treating the actual date of birth of the applicant as 19.11.1951 after duly carrying out necessary corrections in the Service Register of the applicant in place of 14.11.1949 by declaring the orders in G.O.Rt.No.413, dated 20.6.1998 as void. Initially, before the tribunal, the applicant has filed R.P.No.1005 of 1986 praying that his date of birth is 19.11.1951 and it was wrongly entered in his Service Register as 14.11.1949 and also challenged the rejection order passed by the respondents vide Memo No. 2640/OP/79-9, Ind. & Commerce (OP) Department, dated 30.12.1985 as illegal and unconstitutional. After hearing the parties, the learned tribunal by its judgment dated 22.9.1987, elaborately did go through the law on the point and ultimately held that the date of birth of the applicant is 19.11.1951 and accordingly directed the

respondents as follows:

> "In the circumstances, the respondents are directed to consider the case of the petitioner for alteration of his date of birth in the Service record on the basis of the confidential enquiry carried out by the revenue officials, if necessary by relaxing the relevant rules. The R.P. is disposed of with the above directions. There is no order as to costs."

Aggrieved by the said judgment, the Government filed SL.P.No.7772 of 1988 along with a delay petition to condone the delay of 163 days and the apex Court did not condone the delay. Consequently, the S.L.P. filed by the respondents was dismissed on 5.4.1995, thus the judgment passed by the learned tribunal in R.P. No.1005 of 1986 has become final. After going through the entire material before it, the learned tribunal has allowed the E.P. and directed the respondents to enter the date of birth of the applicant as 19.11.1951 in his service record by deleting the earlier date of birth recorded in the service record. Challenging the said judgment, the present Writ Petition has been preferred by the State.

Heard both sides.

The learned Government Pleader submits that the learned tribunal ought not to have allowed the petition under Section 27 of Administrative Tribunals Act, 1985 (for short the 'Act') directing them to alter the date of birth. But, however, the learned counsel for the respondent has advanced arguments that Section 27 of the Act enables the respondent to file execution petition for executing the orders of the tribunal and order of the learned tribunal has also been challenged before the Honourable Supreme Court in the Special Leave Petition No. 7772 of 1988 which was dismissed on 5.4.1995. Pursuant to the said dismissal of S.L.P., the respondent filed E.A.No. 10 of 2000 in R.P.No. 1005 of 1986 which was disposed of directing the department to enter the date of birth of the applicant as 19.11.1951 in his Service Record by deleting the earlier date

of birth recorded in the service record and there is no power vested with the High Court to deal with the matter. It is also argued that as per the provisions of Section 27 of the Act, the orders passed by the learned tribunal have become final and they cannot be challenged in any Court including the High Court and it should be executed in the same manner as if it is a final order and the department would have approached the apex Court if they are aggrieved by the orders passed under Section 27 of the Act. We had also an occasion to go through Section 27 of the Act, which reads thus:

> "Section 27. Execution of orders of a Tribunal: - Subject to the other provisions of this Act and the rules (the order of a Tribunal finally disposing of an application or an appeal shall be final and shall not be called in question in any Court (including a High Court) and such order) shall be executed in the same manner in which any final order of the nature referred to in clause (a) of sub-section (2) of Section 20 (whether or not such final order had actually been made) in respect of the grievance to which the application relates would have been executed."

The provisions of Section 27 of the Act mandates that no order passed by the tribunal finally disposing of an application or an appeal shall be called in question in any Court including the High Court and they should be executed as final orders.

It has been brought to the notice of this Court that in the absence of any provisions to deal with the subject for execution of the proceedings before the tribunal, the Writ Petition is misconceived.

Under the above circumstances, as the Section itself mandates that the impugned orders cannot be questioned in any Court including High Court, the Writ Petition is misconceived and it has to be construed that this Court has no jurisdiction to entertain the Writ Petition in view of the provisions of Section 27 of the Act. Accordingly, the Writ Petition is not maintainable and the same is liable to be dismissed.

The Writ Petition is dismissed accordingly.

T. MEENA KUMARI, J

G. CHANDRAIAH, J

30.10.2007

CHV